IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

Bail Appl..No. 5846 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.5394/2007 Dated 07/09/2900
CRMP.4126/2007 of J.M.F.C.,THIRUVALLA
CR.NO.60/07 OF THIRUVALLA EXCISE RANGE.

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: PETITIONER/ACCUSED NOS.1 &2

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1. THOMAS KUTTY @ RAJU,
S/O.VARGHESE MATHAI, KUTTIPOOVATHINKAL HOUSE,
VELLAYI MURI, PERUMPETTY VILLAGE,
MULLAPPALLY TALUK, PATHANAMTHITTA DISTRICT.

2. VIJAYAN, S/O.RAGHAVAN,
CHARIVUKALA MANNIL HOUSE,
PULLAD MURI, KOIPURAM VILLAGE,
THIRUVALLA, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.ABRAHAM SAMSON

RESPONDENTS: STATE

THE STATE OF KERALA,
REPRESENTED BY THE EXCISE INSPECTOR,
THIRUVALLA EXCISE RANGE- THROUGH
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-31.

BY P.P. SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 5846 of 2007

Dated this the 26th day of September, 2007

ORDER

Application for regular bail. The petitioners face allegations under the Kerala Abkari Act. Altogether, there are four accused persons. The petitioners were allegedly found to be in possession of 200 ml. of arrack, 34.5 litres of arrack mixed with toddy and 10 litres of toddy. The petitioners were arrested. They continue in custody from 20/8/07. Their earlier application for regular bail was dismissed by this Court as per the order dated 7/9/07 in B.A.No.5394/07. The petitioners have no history of any criminal antecedents, submits the learned Public Prosecutor.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioners can now be enlarged on bail subject to appropriate terms and conditions.

3. **In the result:**

(a) The application is allowed.

(b) The petitioners shall be released on bail on the following terms and conditions:

(i) The petitioners shall execute bonds for Rs.50,000/- each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioners shall make themselves available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months.

(R. BASANT, JUDGE)

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